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To Examiner Brian A. Whiteman, Group 1635

Company USPTO

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Date December 22, 2003 Pages including cover 4

Subject Response to Election/Restriction Requirement

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Re: Application of Herve Jean-Clement COSTE et al.
U.S. Serial No.: 09/936,506; Filed: December 20, 2001
Title: *Method to Improve Translation of Polypeptides by Using
Untranslated Regions from Heat-shock Proteins*
Attorney Docket No. PF3623USw

Attached:

1. Transmittal Form (with Certificate of Transmission/Mailing)
2. Response to Restriction (2 pages)

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PTO/SB/21 (08-03)

Approved for use through 07/31/2008, OMB 0651-0031

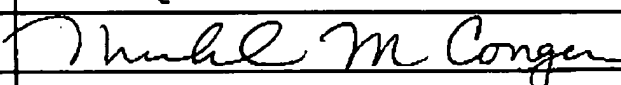
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| | | |
|---|------------------------|--------------------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 09/936,506 |
| | Filing Date | December 20, 2001 |
| | First Named Inventor | Herve Jean-Clement COSTE |
| | Art Unit | 1635 |
| | Examiner Name | Whiteman, Brian A |
| Total Number of Pages in This Submission | Attorney Docket Number | PF3623USw |

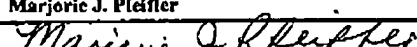
| ENCLOSURES (check all that apply) | | |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; height: 40px; width: 100%;"></div> |
| Remarks | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------|--|
| Firm or Individual name | Michael M. Conger Registration No. 43,562 Telephone: (919) 483-2474 |
| Signature |  |
| Date | December 22, 2003 |

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| Typed or printed name | Marjorie J. Pfeiffer | Date | December 22, 2003 |
| Signature |  | | |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Atty. Docket No.: PF3623USw
S/N 09/936,506

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of Herve Jean-Clement COSTE et al.

Serial No.: 09/936,506

Art Unit: 1635

Filing Date: December 20, 2001

Examiner: Whiteman, Brian A.

For: *Method to Improve Translation of
Polypeptides by Using Untranslated
Regions from Heat-shock Proteins*

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION

Sir:

This paper is submitted in response to the Office Action mailed December 1, 2003 (Paper No. 10) for which a 1 month shortened statutory period to respond was set. Accordingly, this paper is timely filed on or before January 1, 2004, which is a Holiday thereby making the response timely filed on or before Friday, January 2, 2004. Early examination of the application on the merits is earnestly solicited.

REMARKS

Claims 1-34 are pending in this application. The Examiner has required restriction to one of four (4) groups. In response to such restriction Applicants wish to proceed as follows.

Applicants elect without traverse Group I drawn to nucleic acids encoding HSp70, vectors, host cells containing said nucleic acids and host cells containing said vectors, and a method of producing the polypeptide encoded by the DNA molecule set forth in claim 1 using an expression system, claims 1-17 and 27-31, for proceeding with prosecution on the merits.